



ALCOHOL, DRUG, AND SMOKING POLICY 2020-2021

October 15, 2020

The School of Visual Arts expects all members of the SVA community to assist in maintaining a drug-free environment. The possession, use, distribution, dispensing or manufacture of a controlled substance (illegal drugs, alcohol, etc.) or being under the influence of such a substance on SVA premises, including residence halls, is prohibited and grounds for disciplinary and/or legal action.

SVA students and employees are prohibited from possessing, using, distributing, dispensing or manufacturing illegal drugs and/or alcoholic beverages of any kind on SVA property (including the residence halls) or as part of any event sponsored by SVA or any SVA organization. Pre-approval to serve alcohol to persons over the age of 21 with proper identification may be obtained from the President, Executive Vice President, Provost or their respective designee(s) under certain circumstances.

SVA employees must abide by this policy as a condition of employment. In addition, all SVA employees, including student workers, are required by the Drug-Free Workplace Act of 1988 to notify their immediate supervisor and the Executive Director of Human Resources of any criminal drug statute convictions for a violation occurring in the workplace no later than five days after such conviction.

SVA TAKES A FIRM STANCE AGAINST DRUGS AND ALCOHOL

As reported in "What Works: Schools Without Drugs," written by the U. S. Department of Education (1992):

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and intellectual disabilities. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

The adverse health effects of drug abuse vary widely based on the drug or drugs being abused and the manner of ingestion, but often include one or more of the following: fluctuations in heart rate; addiction; anxiety; paranoia; mood disturbances; HIV/AIDS infection; and impairment of short-term memory, attention, judgment, coordination and balance; or death. Comprehensive data regarding the long- and short-term health effects of commonly abused drugs is available from the National Institute on Drug Abuse, part of the National Institutes of Health, at: drugabuse.gov/drugs-abuse/commonly-abused-drugs/health-effects.

DRUG AND ALCOHOL PROGRAMS AVAILABLE TO EMPLOYEES AND STUDENTS

SVA encourages individuals with alcohol or other drug-related problems to seek assistance through one of the drugs and alcohol programs listed in this section. Students seeking assistance are encouraged to speak with a staff member at SVA's Student Health and Counseling Services (340 East 24th Street, ground floor, 212.592.2246, Monday–Friday, 9:00 AM–5:00 PM) for support. Short-term confidential services are provided free of charge. Staff and faculty seeking assistance are encouraged to speak with their health care professional for support.

The following community-based treatment organizations are also available as resources:

- **Alcoholics Anonymous**
aa.org • 212.870.3400
- **Inter-Group Association of Alcoholics Anonymous of New York**
nyintergroup.org
212.647.1680
- **New York City Area of Narcotics Anonymous**
nycna.org
212.929.6262
- **The Addiction Institute of New York**
mountsinai.org/locations/addiction-institute 212.420.4220

POSSIBLE DISCIPLINARY SANCTIONS IMPOSED BY SVA

Any student or employee found to be in violation of this policy will be subject to sanctions, including, but not limited to, expulsion from SVA or termination of employment, suspension, referral to law enforcement authorities, parental notification (as permitted by the federal Family Education Rights and Privacy Act (FERPA)), and/or mandatory referral for counseling and/or treatment. For a list of student-specific disciplinary consequences for violations of this policy, see “Student Code of Conduct Sanctions” on page 79 of the SVA Handbook.

POSSIBLE SANCTIONS AND PENALTIES IMPOSED BY STATE AND FEDERAL LAWS

A student or employee who violates this policy is subject not only to disciplinary sanctions by SVA but may be subject to criminal sanctions under federal and/or state law. Conviction for illegal possession, use, manufacture, and/or distribution of drugs can lead to imprisonment, fines, mandatory community service, and loss of eligibility for some financial aid programs, among other sanctions and penalties.

FEDERAL PENALTIES: CONTROLLED SUBSTANCES

The federal Controlled Substances Act, 21 U.S.C. 801, et seq., creates a comprehensive scheme of sanctions for offenses involving controlled substances, with penalties of up to life imprisonment and fines ranging into the millions of dollars for unlawful distribution or possession of a controlled substance. The actual sanctions and penalties imposed generally are determined by the seriousness of the offense, the quantity of illegal substances involved in the commission of the offense, and the criminal background of the person convicted of the offense.

For example, federal penalties and sanctions for simple possession of a controlled substance (21 U.S.C. § 844) include but are not limited to the following:

- First conviction: Up to one-year imprisonment and a fine of at least \$1,000; and
- After one prior drug conviction: Up to two years imprisonment and a fine of at least \$2,500; and
- After two or more prior drug convictions: Up to three years imprisonment and a fine of at least \$5,000.

Federal trafficking convictions are much more serious, with penalties ranging from 5 years to life in prison, and fines of up to \$5 million. For a schedule of penalties for trafficking offenses, see dea.gov.

Notably, pursuant to federal law, any person found to have unlawfully distributed a controlled substance to a person under 21 may be punished by up to twice the term of imprisonment and twice the fines for a first offense. (21 U.S.C. § 859) The same applies to distribution or manufacture of drugs in or within 1,000 feet of a college or school, as well as for the receipt of a controlled substance from a person under 18 years of age. (21 U.S.C. §§ 860-61.) Conviction for possession and/or trafficking can also lead to forfeiture of property, loss of entitlement to certain federal benefits, and a criminal record that may prevent an individual from entering certain career fields.

Students who receive federal financial aid (including grants, loans or work-study funding) must report any criminal drug conviction that occurs after the submission of a FAFSA form through the end of the academic year for which the student is receiving aid to the Director of Financial Aid and Executive Director of Human Resources within five days of the criminal conviction. In addition to sanctions imposed by SVA, students convicted of such charges risk the revocation of federal student aid.

NEW YORK STATE PENALTIES: CONTROLLED SUBSTANCES

Additional penalties may apply under various New York State drug laws. As under federal law, the actual sanctions and penalties imposed are determined by the seriousness of the offense, the quantity of illegal substances involved in the commission of the offense, and the criminal background of the person convicted of the offense. The New York State Penal Law characterizes more minor drug offenses as “misdemeanors” (offenses punishable by imprisonment for more than 15 days but no more than one year) and more serious drug offenses as “felonies” (crimes punishable by imprisonment ranging from one year to life). Felonies are further classified from A to E, with varying degrees of minimum and maximum sentences; class A felonies carry the longest jail sentences, while class E felonies carry the shortest. Below are the classifications for some of the more common illegal drug offenses and crimes provided for by the New York Penal Law:

- Sale of a controlled substance on or near school grounds (N.Y. Penal Law § 220.44), or to a person less than 21 years of age (N.Y. Penal Law § 220.39), are Class B felonies;
- Possession of a hypodermic instrument without a doctor's prescription (N.Y. Penal Law § 220.45), or possession or sale of drug paraphernalia (which includes a wide category of items that are considered drug preparation materials) (N.Y. Penal Law § 220.50), are Class A misdemeanors;
- Injection of another person with a narcotic drug with consent of that person is a Class E felony (N.Y. Penal Law § 220.46).

The full text of the New York Penal Law, including classifications and penalties for all controlled substances offenses (Article 220), is available via the New York State Courts website: nycourts.gov/judges/cji/2-PenalLaw/220/art220hp.shtml

NEW YORK STATE PENALTIES: ALCOHOL

New York law also prohibits the sale or possession of alcohol in certain circumstances. Below is a list of some common offenses and penalties relating to alcoholic beverages provided for by New York Law:

- Giving or selling alcohol to a person under the age of 21 carries a penalty of up to five days imprisonment and a \$200 fine (N.Y. ABC Law §65-a);
- Purchasing or attempting to purchase an alcoholic beverage through fraudulent means by a person under age 21 carries a penalty of up to thirty hours of community service, a fine of up to \$100, and/or mandatory completion of an alcohol awareness program (N.Y. ABC Law § 65-b);
- Unlawful possession of alcohol by a person under the age of 21 with the intent to consume carries a penalty of up to thirty hours of community service and a fine of up to \$50 (N.Y. ABC Law § 65-c).

This list includes only a sampling of federal and state penalties and sanctions for conduct involving drugs and alcohol, all of which are subject to change. Additional federal, state and local penalties and sanctions may apply.

ALCOHOLIC BEVERAGES: EMPLOYEES

Employees should not consume alcoholic beverages during business hours. This applies particularly to business lunches. In the event an employee consumes alcoholic beverages in connection with a business function where SVA management has approved the serving of alcohol, SVA expects that employees will act responsibly and avoid excess. If an employee has any concerns that he/she is not capable of safely driving after such events, SVA will reimburse the cost of alternative transportation to ensure that the employee does not place themselves or others in danger. An employee who is arrested and convicted for Driving Under the Influence while in the performance of company business, or when returning from a business function, is subject to disciplinary action up to and including termination.

ALCOHOLIC BEVERAGES: STUDENTS

Undergraduate Students:

- No alcoholic beverages may be served at events hosted by an undergraduate department or by any department whose event is intended primarily for undergraduate students.
- Under no circumstances may alcoholic beverages be offered to undergraduate students at bars, restaurants or other similar settings.

Graduate Students:

Extreme care and thought should go into deciding if alcoholic beverages are served to graduate students. The following rules apply:

- Wine or beer (not hard alcohol) may be served for events hosted by a graduate department.
- The department must retain at least one licensed bartender for each bar setup.
- Written permission must be received from the Provost prior to the event.
- IDs must be checked by the bartender.
- Non-alcoholic beverages must also be available.

EMPLOYEE USE OF LEGAL DRUGS

SVA recognizes that employees may, from time to time, be prescribed legal drugs that, when taken as prescribed or according to the manufacturer's instructions, may result in their impairment. Employees may not work while impaired by the use of legal drugs if the impairment might endanger the employee or someone else, pose a risk of significant damage to SVA property, or substantially interfere with the employee's job performance. If an employee is so impaired by the appropriate use of legal drugs, they may not report to work and must contact Human Resources to discuss potential accommodations that may be available. Disclosures made by employees to Human Resources concerning the use of legal drugs will be treated confidentially and will not be revealed to managers or supervisors unless there is an important work-related reason to do so in order to determine whether it is advisable for the employee to continue working while taking the drug(s) in question. Nothing in this policy is intended to diminish SVA's commitment to employ and reasonably accommodate qualified individuals with disabilities, provided that such accommodation does not constitute an undue hardship on SVA.

SMOKING REGULATIONS

In accordance with government regulations, the School of Visual Arts prohibits smoking in any part of its buildings, including private offices, private rooms, hallways, restrooms and all residence halls. Smoking is also prohibited within 25 feet of any building entrance. This includes the use of electronic smoking devices such as e-cigarettes, vapes, etc.

Any violation of or dispute arising under this policy should be reported immediately to the Director of Student Affairs or the Executive Director of Human Resources. Violations of this policy may result in appropriate corrective action, up to and including expulsion or termination of employment. Student Affairs and/or Human Resources will promptly investigate any disputes arising under this policy. Each student, faculty or staff member is protected from retaliatory action or from being subjected to any adverse action for exercising or attempting to exercise their rights under this policy. Any person who feels they have been subject to a retaliatory adverse action for exercising or attempting to exercise any rights under this policy or under any applicable law or regulation concerning the subject matter of this policy should inform the Director of Student Affairs or the Executive Director of Human Resources who will promptly investigate the complaint and provide for adequate redress where necessary.

Any questions regarding this policy should be directed to Student Affairs (tel: 212.592.2214, email: studentaffairs@sva.edu) or Human Resources (tel: 212.592.2645, email: hr@sva.edu).